

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.25808 of 1999

Dated: 15-06-2007

Between:

R. Venkataramana,
s/o Suranna,
r/o Indrapalem,
Kakinada Rural,
East Godavari District.

... Petitioner

and

1. Sri Subramanyeswara Temple,
rep. by its Executive Officer,
Indrapalem, Kakinada Rural,
East Godavari District and 2 others.

... Respondents

ORDER:

Petitioner states that an extent of Ac.0-89 cents belonging to Subrahmanyaswaraswamy Temple was originally leased out to his paternal uncle viz., Kota Sathiraju long back on yearly rent of Rs.80/-. After the death of his paternal uncle, the said land was leased out to him on a maktha of Rs.300/-, and subsequently after some years, it

was raised upto Rs.1,000/-. In the year 1986-87 the same was enhanced to Rs.1,500/- per year. He further states that despite the fact that he is ready and willing to purchase the land in question and gave an application requesting third respondent – Commissioner of Endowments to sell the said land, the said application was rejected by third respondent on

09-01-1996 and directed the Executive Officer to take steps to evict him. Thereupon, second respondent – Deputy Commissioner issued a notice calling upon him to appear before him and an enquiry was also conducted. Despite the petitioner's contention that the said lands may be sold to him, the Deputy Commissioner passed an order directing him to vacate the land in question within 30 days from the date of receipt of the order. Aggrieved by the said order dated 14-09-1999, the instant writ petition has been filed.

2. Learned Standing Counsel appearing for the temple as well as the Government Pleader for Endowments filed their respective counter affidavits.

3. Having heard both the learned counsel, this Court is of the view that this writ petition is without exhausting the alternative remedies that are available to petitioner. Section 92 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act') confers powers on the Commissioner to call for records and pass orders and the Commissioner may either *suo motu* or on the application filed by the aggrieved person call for and examine the record of any Deputy Commissioner or Assistant Commissioner. Similarly, Section 93 of the Act deals with the power of Government to call for records and pass appropriate orders. As petitioner has not

exhausted the remedies that are available to him, approached this Court and filed the present writ petition, this Court is of the view that the writ petition cannot be entertained.

4. Accordingly, the writ petition is dismissed giving liberty to petitioner to approach the Commissioner of Endowments and file an appeal against the impugned order as provided for under Section 92 of the Act. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.15-06-2007

GLV